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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 VAFA SHAMSAI-NEJAD,

2:12-CV-1206 JCM (PAL)

9 Plaintiff(s),

10 v.

11 BALLY'S HOTEL EMPLOYMENT
12 OFFICE, et al.,

13 Defendant(s).
14

15 **ORDER**

16 Presently before the court is Magistrate Judge Leen's report and recommendation regarding
17 plaintiff's motion/application for leave to proceed in forma pauperis (doc. # 1). (Doc. # 3). No
18 objections to the report and recommendation have been filed.

19 This court "may accept, reject, or modify, in whole or in part, the findings or
20 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to
21 a magistrate judge's report and recommendation, then the court is required to "make a de novo
22 determination of those portions of the [report and recommendation] to which objection is made."
23 28 U.S.C. § 636(b)(1).

24 Where a party fails to object, however, the court is not required to conduct "any review at all
25 . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
26 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
27 judge's report and recommendation where no objections have been filed. *See United States v.*
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1 *Reyna–Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the
2 district court when reviewing a report and recommendation to which no objections were made); *see*
3 *also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
4 decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any
5 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
6 recommendation, then this court may accept the recommendation without review. *See e.g.*,
7 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge’s recommendation
8 to which no objection was filed).

9 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
10 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
11 and the underlying motion, this court finds good cause to adopt the magistrate’s findings in full.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
14 recommendation of Magistrate Judge Leen (doc. # 3) regarding plaintiff’s motion/application for
15 leave to proceed in forma pauperis (doc. # 1) be, and the same hereby is, ADOPTED in its entirety.

16 IT IS FURTHER ORDERED that plaintiff’s motion/application for leave to proceed in forma
17 pauperis (doc. # 1) be, and the same hereby is, DENIED.

18 IT IS THEREFORE ORDERED that this action be DISMISSED without prejudice to the
19 plaintiff’s ability to commence a new action in which plaintiff either pays the appropriate filing fee
20 in full or submits a completed application to proceed in forma pauperis.

21 DATED October 15, 2012.

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24 **UNITED STATES DISTRICT JUDGE**